

**East County MSCP Steering Committee Meeting
County Administration Center (CAC) Tower 8
1600 Pacific Coast Highway, San Diego, CA
December 3, 2007 2pm - 4pm**

- 2:00 p.m. Introductions (Tom Oberbauer)**
- 2:05 p.m. Overview of ECMSCP Steering Committee Meetings (Chandra Wallar)**
- 2:10 p.m. MSCP Process (Tom Oberbauer)**
- 2:20 p.m. Background Information (Adam Wagschal)**
- 2:40 p.m. Project Status (Kim Zuppiger)**
- 3:00 p.m. Role of the Participants (Dahvia Lynch)**
- 3:10 p.m. Steering Committee Discussion / Questions (Tom Oberbauer)**
- 3:20 p.m. Opportunity for Public Input (Tom Oberbauer)**
- 3:40 p.m. Next steps (Tom Oberbauer)**
- 4:00 p.m. Closing Comments (Tom Oberbauer)**

Attachments:

1. ECMSCP Powerpoint
2. NCCP Process Overview (weblink: <http://www.dfg.ca.gov/habcon/nccp/pubs/process.pdf>)
3. HCP Section 10 of the ESA weblink: <http://www.dfg.ca.gov/habcon/nccp/pubs/process.pdf>
4. ECMSCP Plan Flyer and Map: <http://www.mscp-sandiego.org/ec.html>
5. List of ECMSCP Communities/Public Land
6. ECMSCP Ownership Map weblink: http://www.mscp-sandiego.org/ec_maps.html
7. List of ECMSCP Steering Committee Participants
8. Steering Committee Role (excerpt from HCP weblink: <http://www.fws.gov/endangered/pdfs/HCP/HCPBK3.PDF>)

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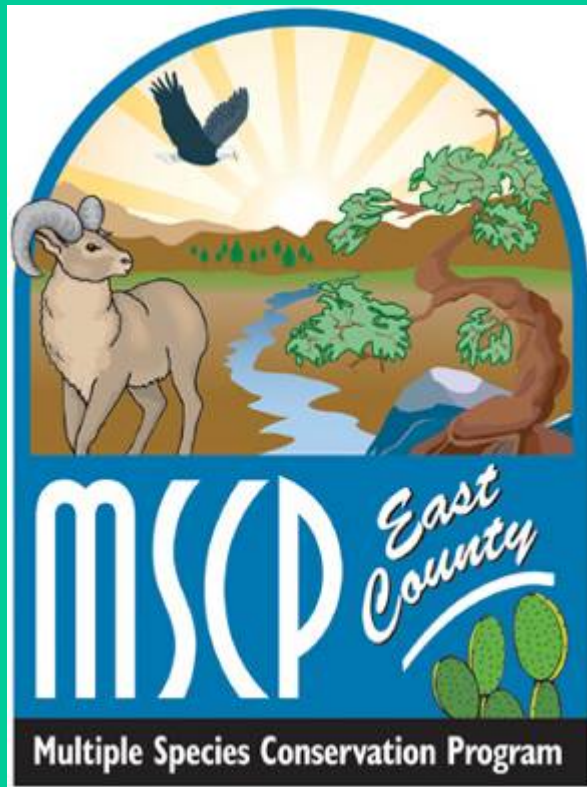
Steering Committee (23)

1. Bryan Woods, Facilitator
2. Matthew Adams
3. Eric Anderson, Farm Bureau
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2. Jeff Murphy, DPLU
3. Gibson, Eric, DPLU
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6. Kim Zuppiger, MSCP
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8. Trish Boaz, DPR
9. Hanley, Maeve, DPR
10. Dawn Nielsen, AWM
11. Marcia Milam, AWM
12. Jones, Megan- DCAO
13. Wilson, Adam – Dist 2
14. Steiner, Dustin- Dist 5

EAST COUNTY MSCP PLAN



**A Habitat
Conservation Plan
that meets the
requirements of
Federal and State
Endangered
Species Act**



PURPOSE OF MSCP

The MSCP streamlines appropriate development while conserving lands

Goal is to gain “coverage” for species listed or likely to be listed



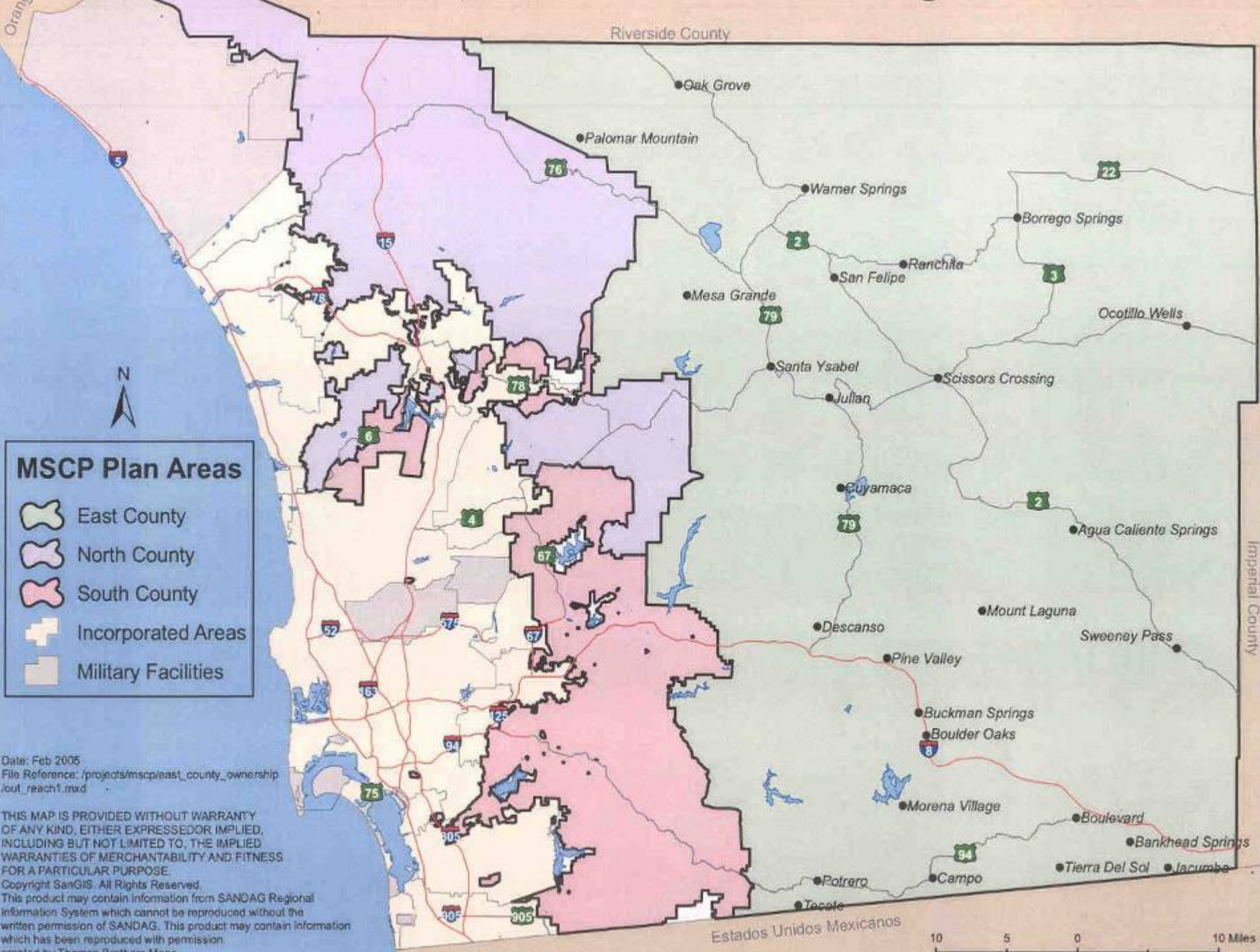
FEDERAL PROCESS WITHOUT MSCP

- HCP Permit Application
- USFWS and CDFG Review
- HCP Application Published in *Federal Register*
- Issue Section 10 Permit

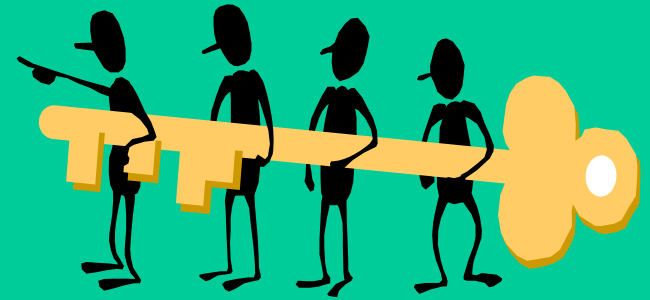


WHAT IS THE PLAN?

- **The final of 3 County MSCP Plans that will work together to protect sensitive plants and animals and their habitats in the unincorporated area.**
- **A cooperative effort among the County, the Wildlife Agencies and many public and private stakeholders.**



KEY FEATURES



- **Study Area is 1,551,600 acres**
- **Baseline of 254 sensitive species**
- **Includes East County Communities of:**

- | | |
|--------------------------|-----------------------------|
| - Palomar Mountain | - Portions of Alpine |
| - Portions of Ramona | - Portions of Jamul/Dulzura |
| - Central Mountain | - Tecate |
| - Desert/Borrego Springs | - Potrero |
| - Julian | - Lake Morena/Campo |
| - Cuyamaca | - Boulevard |
| - Descanso | - Mountain Empire |
| - Pine Valley | - Jacumba |



DIVERSE ECO-REGIONS



DIVERSE SPECIES



Photo by: Christopher Christie



PROJECT OVERVIEW

- Evaluate Habitat and Species Models
- Develop Draft Preserve Design Map
- Obtain Public Input throughout the process
- Prepare Plan Text & EIR/EIS
- Public Review Period
- Planning Commission – Public Hearing
- Board of Supervisors – Public Hearing

PRESERVE DESIGN PROCESS

HABITAT MODELING: It is not possible to field survey the entire Study Area, therefore models are used to evaluate the distribution of biological resources.

SPECIES PREDICTIVE MODEL: Identifies distribution of species based on wildlife habitat relationships.

SITES MODEL: Application of sound biological principles over broad area.

INDEPENDENT SCIENCE ADVISORS: Peer review and expert input.



Species Distribution Model

- Identifies distribution of species based on wildlife habitat relationships
 - Vegetation,
 - Slope,
 - Elevation ranges,
 - Soils,
 - Ecoregion
- Over 400 species included in the model

SITES MODEL

- Evaluate preserve area boundaries
- Determine optimum conservation area boundaries to meet assigned goals
- Quantify how many goals are reached
- Objective, repeatable

PRESERVE LANDS



MANAGEMENT & MONITORING



BENEFITS OF MSCP

Without MSCP

- Developers & local agencies bear all costs
- Multiple permit authorities
- Project by project negotiations
- Piecemeal, isolated open space easements



With MSCP

- Cost sharing
- County has permit authority
- Pre-established requirements
- Regional, inter-connected preserve system

IMPORTANCE OF MSCP

- Regional landscape level planning
- Adequate protection for species
- Prevents future listings
- MSCP provides more opportunity for cost-sharing and more conservation than “no action” alternative

VISIT OUR WEBSITE



www.mscp-sandiego.org

Natural Community Conservation Planning Process

Scope - Identify initial geographic planning area and natural communities

Planning Agreement - Convene parties to develop a planning agreement which outlines:

- ◆ Geographic planning area
- ◆ Species and natural communities to be addressed
- ◆ Processes for scientific and public input
- ◆ Interim process for project review

Committees - Establish committees as necessary:

- ◆ Plan stakeholder committee
- ◆ Biological technical group (agency biologists, consultants)
- ◆ Specific issues (funding, mitigation strategies, data management, outreach, etc.)

Data Collection - Collect biological and other necessary planning data:

- ◆ Species field surveys
- ◆ Vegetation mapping and habitat modeling
- ◆ Soils, hydrology, land ownership, etc.

Conservation Principles - Convene independent science advisors to identify conservation principles for:

- ◆ Landscape conservation and reserve design, such as:
 - Larger reserves are better than smaller reserves
 - Reserve areas should be close to each other
 - Habitat should remain contiguous
 - Reserves should be linked with corridors
 - Reserves should contain a diversity of physical and environmental conditions
 - Reserves should be protected from encroachment
- ◆ Conservation of specific target species and habitats
- ◆ Data gaps (may include research recommendations)
- ◆ Adaptive management

Identify Preserves - Use conservation principles, data, and expert opinion to identify reserves.

Plan Development - Develop draft plan with input from committees and interested public:

- ◆ Avoidance, minimization, and mitigation measures
- ◆ Conservation obligations of partners
- ◆ Mechanisms for development approval
- ◆ Economic analysis and funding strategies
- ◆ Draft implementing agreement

Plan Review and Approval

- ◆ Conduct public review of draft plan and CEQA documents
- ◆ Develop final plan
- ◆ Obtain jurisdictional approval of final plan (local government)
- ◆ Issue necessary permits (DFG, USFWS)

Implementation

- ◆ Assemble the reserve system
- ◆ Biological monitoring
- ◆ Adaptive management program
- ◆ Compliance monitoring



U.S. Fish & Wildlife Service

Habitat Conservation Plans

Section 10 of the Endangered Species Act

What is a Habitat Conservation Plan and Incidental Take Permit?

An incidental take permit is required when non-Federal activities will result in “take” of threatened or endangered wildlife. A habitat conservation plan (HCP) must accompany an application for an incidental take permit. The purpose of the habitat conservation planning process associated with the permit is to ensure there is adequate minimizing and mitigating of the effects of the authorized incidental take. The purpose of the incidental take permit is to authorize the incidental take of a listed species, not to authorize the activities that result in take.

What is take?

“Take” is defined in the Endangered Species Act (ESA) as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.

Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).

How many HCPs have been developed and what size areas do they cover?

Both the number of HCPs and the size and complexity of the areas they cover have increased. More than 430 HCPs have been approved, with many more in the planning stage. Most of the earlier HCPs approved were for planning areas of less than 1,000 acres; now 10 exceed 500,000 acres, with several larger than 1,000,000 acres. In some cases, there are more than one incidental take permit associated with a HCP. For example, the Central Coastal Orange County HCP was developed as an overall plan under which each individual participating entity received a separate incidental take permit. This suggests that HCPs are evolving from a process adopted primarily to address single projects to broad-based, landscape-level planning, utilized to achieve long-term biological and regulatory goals.



The Wisconsin Statewide HCP was developed for the conservation of the endangered Karner blue butterfly. Photo by Joel Trick.

Who needs an incidental take permit?

Anyone who believes that their otherwise-lawful activities will result in the “incidental take” of a listed wildlife species needs a permit. The U.S. Fish and Wildlife Service (FWS) can help you determine whether your proposed project or action is likely to result in “take” and whether a HCP is an option to consider. FWS personnel can also provide technical assistance to help you design your project so as to avoid take. For example, the project could be designed with seasonal restrictions on construction to minimize disturbance during nesting.

What is the benefit of an incidental take permit and Habitat Conservation Plan to a private landowner?

The permit allows a landowner to legally proceed with an activity that would otherwise result in the illegal take of a listed species. The FWS also developed a regulation to address the problem of maintaining regulatory assurances and

providing certainty to landowners through the HCP process, called the “No Surprises” regulation.

What are No Surprises assurances?

No Surprises assurances are provided by the government through the section 10(a)(1)(B) process to non-Federal landowners. Essentially, private landowners are assured that if “unforeseen circumstances” arise, the FWS will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed to in the HCP without the consent of the permittee. The government will honor these assurances as long as a permittee is implementing the terms and conditions of the HCP permit, and other associated documents in good faith. In effect, this regulation states that the government will honor its commitment as long as the HCP permittees honor theirs.

Are incidental take permits needed for listed plants?

There are no Federal prohibitions under the ESA for the take of listed plants on non-Federal lands, unless taking of those plants is in violation of State law. However, before the FWS issues a permit, the effects of the permit on listed plants must be analyzed because section 7 of the ESA requires that issuance of a HCP permit must not jeopardize any listed species, including plants.

What is the process for getting an incidental take permit?

The applicant is in charge of deciding whether to pursue an incidental take permit. While FWS personnel provide detailed guidance and technical assistance throughout the process, the development of a HCP is driven by the applicant. The applicant is responsible for submitting a completed permit application. The necessary components of a completed permit application are a standard application form, a HCP, an Implementation Agreement (if required), and, if appropriate, a draft National Environmental Policy Act (NEPA) analysis.

While processing the permit application, the FWS will prepare the incidental take permit, write a biological opinion under section 7 of the ESA, and finalize the NEPA analysis documents. Consequently, incidental take permits have a number of associated documents besides the HCP.

How long will it take to process our application?

The length of time to complete the permitting process depends on the complexity of issues involved (e.g., the number of species) and the completeness of the documents submitted by the applicant. The FWS will work to complete all steps, such as the public comment process, as expeditiously as possible. The most variable factor in permit processing requirements is the level of analysis required for the proposed HCP under NEPA, in other words, whether an Environmental Impact Statement (EIS), Environmental Assessment (EA), or a categorical exclusion is required. Other factors such as public controversy can also affect permit processing times.

“Low Effect” HCPs are those involving minor effects on federally listed, proposed, or candidate species and their habitats covered under the HCP and minor effects on other environmental values or resources. These HCPs do not require a NEPA

document, and the target permit processing time is 3 months.

HCPs that do not fall into the “Low Effect” category require either an EA or an EIS, depending on their complexity. For those requiring an EA as part of the permit application, the target permit processing time is 4 to 6 months. For those requiring an EIS, the target permit processing time may be up to 12 months.

How do we know if we have listed species on our project site?

Check with the appropriate State fish and wildlife agency, the nearest FWS field office, or the National Oceanic and Atmospheric Administration (NOAA) – Fisheries (for anadromous fish). You can arrange for a biologist from one of these agencies to visit your property to determine whether a listed species may be on your project site.

What needs to be in a HCP?

The contents of a HCP are defined in section 10 of the ESA and its implementing regulations. They include:

- an assessment of impacts likely to result from the proposed taking of one or more federally listed species.
- measures the permit applicant will undertake to monitor, minimize, and mitigate for such impacts; the funding that will be made available to implement such measures; and the procedures to deal with unforeseen or extraordinary circumstances.
- alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives.
- additional measures that the FWS may require as necessary or appropriate.

What kind of actions are considered mitigation?

Mitigation measures are actions that reduce or address potential adverse effects of a proposed activity on species covered by a HCP. They should address specific needs of the species involved and be manageable and enforceable. Mitigation measures may take many forms, such as preservation (via acquisition or conservation easement) of existing habitat; enhancement or restoration of degraded or a former habitat; creation of new habitats; establishment of buffer areas around existing habitats; modifications of land use practices, and restrictions on access.

What is the legal commitment of a HCP?

The elements of a HCP are made binding through the incidental take permit. While incidental take permits contain an expiration date, the mitigation identified in the HCP

can be in perpetuity in certain cases. Violation of the terms of an incidental take permit would result in illegal take under section 9 of the ESA. If the violation is deemed technical or inadvertent in nature, the FWS may send the permittee a notice of noncompliance by certified mail or may recommend alternative actions to the permittee so that they may regain compliance with the terms of the permit.

Who approves a HCP?

The FWS Regional Director decides whether to issue a HCP permit based on findings that:

- the taking will be incidental to an otherwise lawful activity;
- the impacts will be minimized, and mitigated to the maximum extent practicable;
- adequate funding will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species; and
- any other necessary measures are met.

If the HCP addresses all of these requirements and those of other applicable laws, the permit is issued.

What other laws besides the Endangered Species Act are involved?

In issuing an incidental take permit, the FWS must comply with the NEPA and all other statutory and regulatory requirements, including any State or local environmental/planning laws. HCPs may be categorically excluded from NEPA or may require either an EA or, rarely, an EIS.

Who is responsible for NEPA compliance during the HCP process?

The FWS is responsible for ensuring NEPA compliance during the HCP process. However, if the Service does not have sufficient staff resources to prepare the appropriate NEPA analysis in a timely fashion, an applicant may, within certain limitations, prepare draft Environmental Assessment analyses. This can benefit the applicant and the government by expediting the application process and issuance of the permit. When this is done, the FWS will provide the preparer with appropriate guidance concerning document preparation; and review the document within 30 days and take responsibility ultimately for its scope, adequacy, and content.

Does the public get to comment on our HCP? How do public comments affect our HCP?

The ESA requires a 30-day period for public comment on the application for an incidental take permit. However, we have recognized the concerns of the public regarding inadequate time for the public comment period, and have extended the minimum comment period to 60 days. Additionally, NEPA requires public comment on certain NEPA documents, and the FWS runs these two comment periods concurrently. Therefore, public comments must be considered in the permit decision.

What kind of monitoring is required for a HCP and who performs it?

The ESA or any party we designate as responsible (e.g., State wildlife agency, local government) in the HCP will monitor the project for compliance with the terms of the incidental take permit or HCP. If another party is responsible for monitoring compliance with the permit, the FWS will require periodic reporting from such party in order to maintain overall oversight responsibility for the implementation of the HCP's terms and conditions. For regional and other large-scale or long-term HCPs, monitoring programs must provide long-term assurances that the HCP will be implemented correctly, that actions will be monitored, and that such actions will work as expected. This should include periodic accountings of take, surveys to determine species status in project areas or mitigation habitats, and progress reports on fulfillment of mitigation requirements (e.g., habitat acres acquired). Monitoring plans for HCPs should establish target milestones, to the extent practicable, or reporting requirements throughout the life of the HCP and should address actions to be taken in case of unforeseen or extraordinary circumstances.

The FWS must monitor the applicant's implementation of the HCP and the permit terms and conditions. In addition to compliance monitoring, the biological conditions associated with the HCP should be monitored to determine if the species needs are being met. This includes determining if the biological goals that are expected as part of the HCP mitigation and minimization strategy are being met. The effectiveness monitoring will help the FWS determine if the conservation strategy is functioning as intended and the anticipated benefits to the species are being realized.

Are efforts made to accommodate the needs of HCP participants who are not professionally involved in the issues?

Because development of a HCP is done by the applicant, it is considered a private action and, therefore, not subject to public participation or review until the FWS receives an official application. The FWS is committed to working with HCP applicants and providing technical assistance as required throughout the HCP development process to accommodate their needs. The FWS believes that HCPs under development are restricted by privacy regulations unless waived by the applicant. However, the FWS does encourage the applicant to involve all appropriate parties. This is especially true for complex and controversial projects, and applicants for most large-scale, regional HCP efforts choose to provide extensive opportunities for public involvement during the planning process. The issuance of a permit is, however, a Federal action that is subject to public review and comment. There is time for public review during the period when the FWS reviews the information and decides to grant or deny a permit based on the completed HCP. A 30-day public comment period is required for all completed HCP applications. During this period, any member of the public may review and comment on the HCP and the accompanying NEPA document (if applicable). Additionally, the FWS solicits public involvement and review, as well as requests for additional information during the scoping process for an EIS.

Are the views of independent scientists used or sought, before and during development of a HCP?

The views of independent scientists are important in the development of mitigation and minimization measures in nearly all HCPs. In many cases, these individuals are contacted by the applicant and are directly involved in discussions on the adequacy of possible mitigation and minimization measures. In other cases, the views of independent scientists are incorporated indirectly through their participation in other documents, such as listing documents, recovery plans, and conservation agreements, that are referenced by applicants as they develop their HCP.

How does the FWS ensure that species are adequately covered in HCPs?

The FWS has strengthened the HCP process by incorporating adaptive management into the plans when there are species covered for which additional scientific information may be useful during the implementation of the HCP. These

provisions allow FWS and NOAA–Fisheries to work with the landowner to reach mutual agreement upon changes in the mitigation strategies within the HCP area, if new information about the species indicates this is needed. Any changes in strategy that may occur are discussed up front with the landowner during the development of the HCP. In this manner, the permittees are fully aware of any future uncertainty in the management strategies, and have concurred with the adaptive approaches outlined in the HCP.

What will the FWS do in the event of unforeseen circumstances that may jeopardize the species?

The FWS will use its authority to manage any unforeseen circumstances that may arise to ensure that species are not jeopardized as a result of approved HCPs. The FWS will work with all other Federal and State agencies to help ensure the continued survival and recovery of the species in the wild.

How can I obtain information on numbers and types of HCPs?

Our national HCP database displaying basic statistics on HCPs is available online from our Habitat Conservation Planning page at <http://www.fws.gov/endangered/hcp/>. The contact information regarding an individual HCP that is available for public comment is listed in the notice of availability for that HCP, published in the *Federal Register* by the appropriate Regional office. Regional office contact information can be found at <http://www.fws.gov>.

**U.S. Fish & Wildlife Service
Endangered Species Program
4401 N. Fairfax Drive, Room 420
Arlington, VA 22203
703/358-2106
<http://www.fws.gov/endangered/hcp/>
December 2005**

East County MSCP Plan



What is the Plan?

The County of San Diego is embarking on a program to prepare a joint habitat conservation plan/natural community conservation plan for unincorporated areas of eastern San Diego County. The East County Multiple Species Conservation Program (East County MSCP) Plan is the final of three Multiple Species Conservation Plans that will work together to protect sensitive plants, animals, and their habitats in San Diego County. The East County MSCP area covers approximately **1,551,600** acres and is shown on the reverse side of this page. Currently, there is a completed Plan that covers South County, and the Plan for North County is being prepared.



The East County MSCP Plan will maintain large blocks of contiguous habitat that are required by animals such as the peninsular big horn sheep.

Photo by Christopher Christie

What is the Goal?

The goal of the East County MSCP Plan is to maintain and enhance biological diversity in the region and maintain viable populations of endangered, threatened, and key sensitive species and their habitats while promoting regional economic viability. Specifically, the East County MSCP Plan will:

- Address the widely diverse needs of sensitive species, including State or Federally listed threatened and endangered species.
- Streamline the permitting process for development projects.
- Create connected blocks of preserve that provide for genetic diversity within species populations.
- Recognize that farmland often has habitat value that can contribute to regional conservation.

Who is Involved?

The East County MSCP Plan is a cooperative effort among the County of San Diego, the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

How Can I Get Involved?

The East County MSCP Plan is in its initial planning stage and there is ample opportunity to get involved and provide input to the Plan. If you would like to receive website updates and notifications of upcoming public meetings please send an e-mail to MSCP@sdcounty.ca.gov with "East County Plan" in the subject line. You will be placed on the East County MSCP Plan Mailing List.

Contact Information:

Kim Zuppiger, East County MSCP Plan Project Manager
Department of Planning and Land Use • County of San Diego
5201 Ruffin Road, Suite B • San Diego, CA 92123-1666 (MS 0650)
Phone: (858) 694-3499 • Fax: (858) 694-3373
E-mail: Kimberly.Zuppiger@sdcounty.ca.gov

For More Information, Visit these Websites:

MSCP Website: www.mscp-sandiego.org

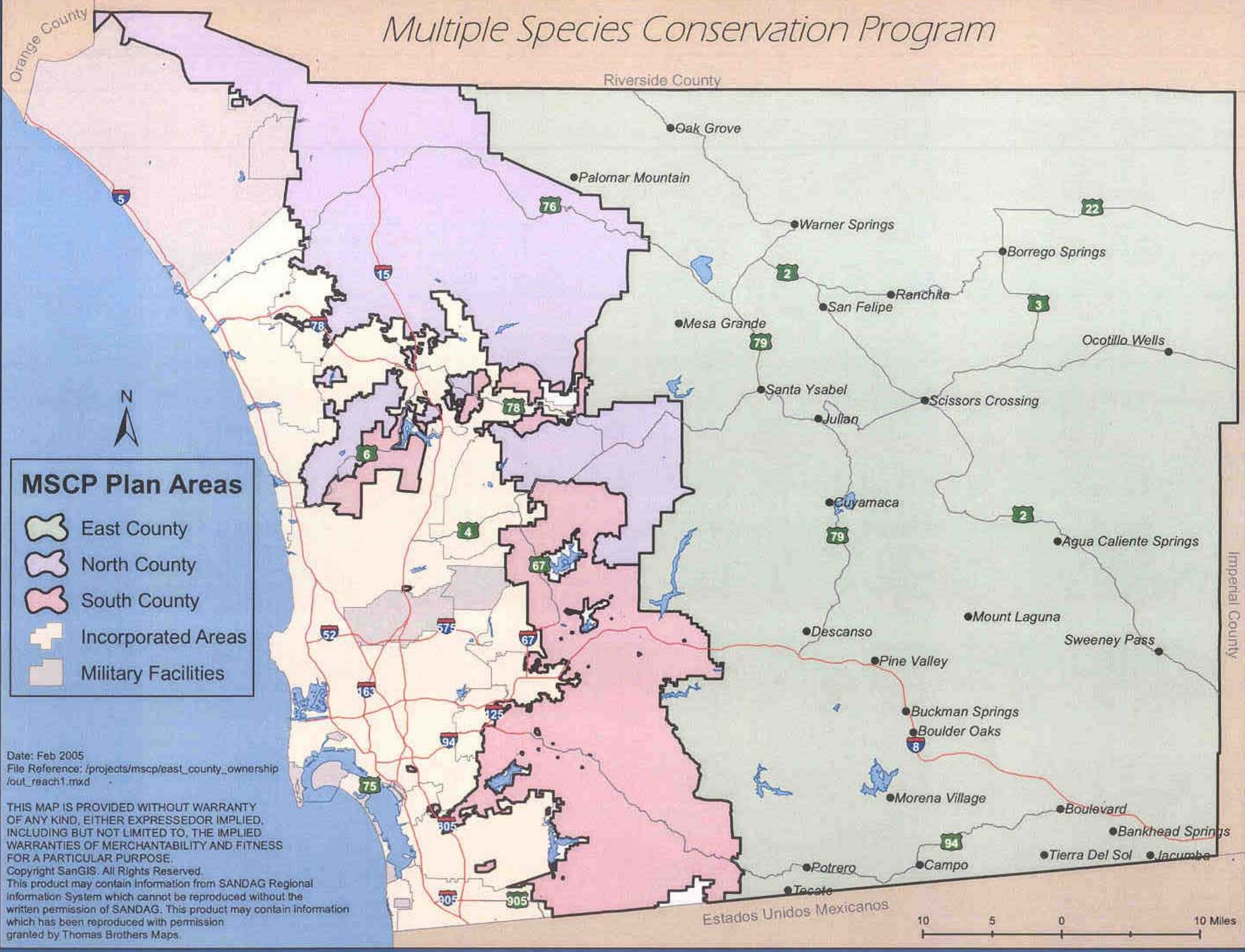
East County MSCP Plan Website: http://dplu-mscp.sdcounty.ca.gov/pub_out/eastcountyplan.html




The East County MSCP Plan will preserve native flowers and habitats.

Photo by Tom Oberbauer

Multiple Species Conservation Program



MSCP Plan Areas

-  East County
-  North County
-  South County
-  Incorporated Areas
-  Military Facilities

Date: Feb 2005
 File Reference: /projects/mscp/east_county_ownership/
 /out_reach1.mxd

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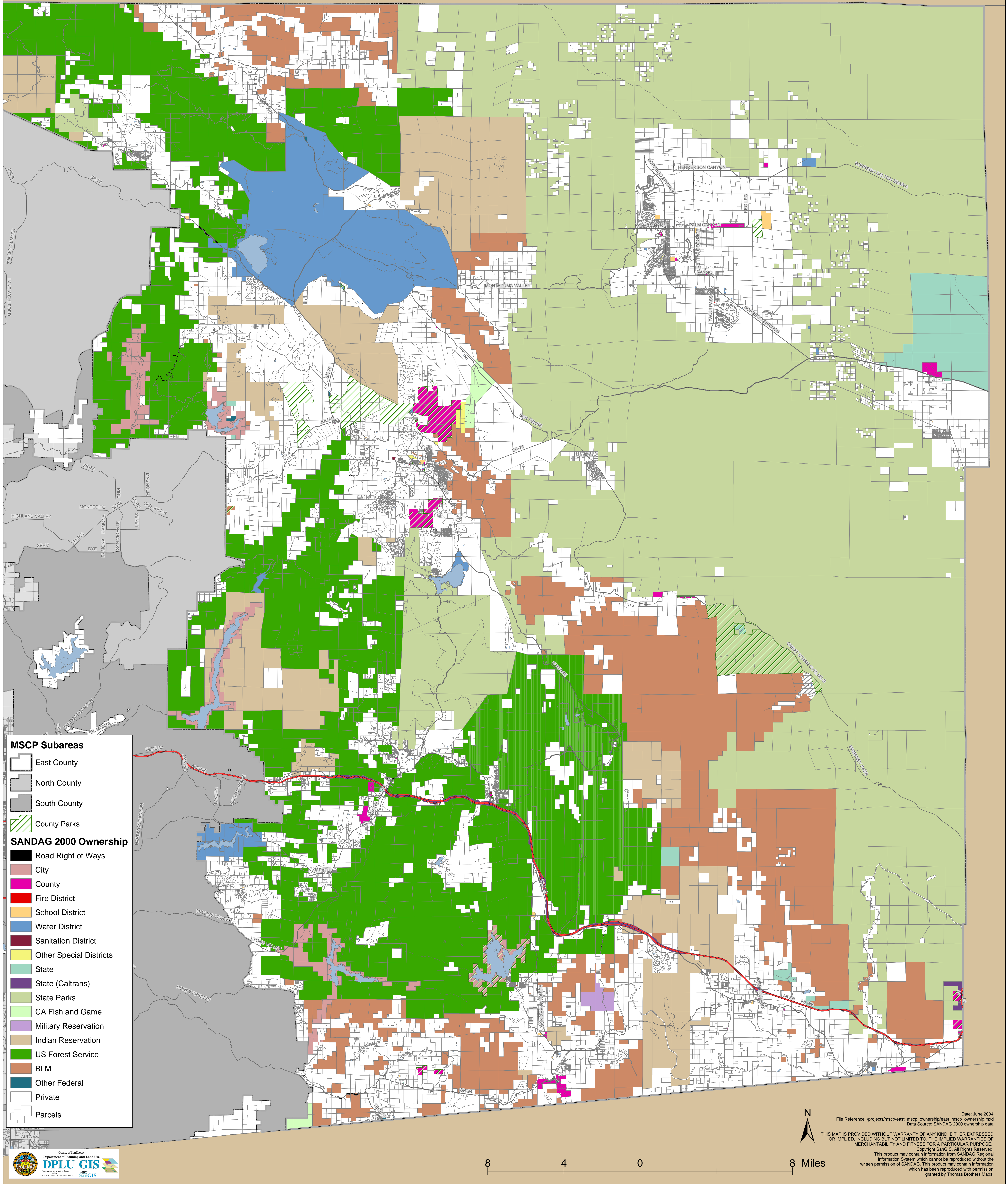
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East County MSCP Regions

General Plan Regions	Communities
North Mountain	<ul style="list-style-type: none"> • Palomar • Warner Springs • Ranchita • Oak Grove • Chihuahua Valley • Santa Ysabel • Mesa Grande • <i>Santa Ysabel Preserve</i> • <i>Volcan Preserve</i> • <i>Palomar County Parks</i> <p><i>Land in Study Area</i></p> <ul style="list-style-type: none"> • Vista Irrigation District • Palomar State Park • US Forest Service • BLM • Lake Sutherland (City of San Diego)
Central Mountain	<ul style="list-style-type: none"> • East Ramona • Julian • Descanso • Cuyamca • Pine Valley/Guatay <p><i>Land Study Area</i></p> <ul style="list-style-type: none"> • Cuyamaca Lake (Helix Water District) • El Capitan City of SD • San Vicente Reservoir – City of SD • US Forest Service • BLM
Mountain Empire/ Backcountry	<ul style="list-style-type: none"> • East Alpine • Jamul/Dulzura • Lake Morena/Campo • Potrero • Tecate • Boulevard • Jacumba <p><i>Land in Study Area</i></p> <ul style="list-style-type: none"> • US Forest Service • BLM • Loveland Reservoir -City of SD
Desert	<ul style="list-style-type: none"> • Borrego Springs • Ocotillo <p><i>Land in Study Area</i></p> <ul style="list-style-type: none"> • US Forest Service • BLM, State Parks, Ocotillo OHV Park • DFG – San Felipe Valley
In-holdings	<p><i>Land in Study Area</i></p> <ul style="list-style-type: none"> • Cleveland National Forest • State Parks, BLM • Tribal Lands & in-holdings

East County MSCP Parcel Ownership Map



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11. Marcia Milam, AWM
12. Jones, Megan- DCAO
13. Wilson, Adam – Dist 2
14. Steiner, Dustin- Dist 5

3. Steering Committees.

An HCP "steering committee" is a group of persons who represent affected interests in a broad-scale HCP planning area and generally oversee HCP progress and development. Steering committees are not required by law and the Services do not require them, although they have proven useful to applicants in a variety of HCP settings. However, the Services cannot be the entities which establish them without compliance with the Federal Advisory Committee Act. It is important to remember that a steering committee's purpose is to advise the applicant in the development of the HCP, not to advise the Service on permit issuance.

The steering committee approach may not be appropriate for all situations. For some applicants, it may be too formal or complicated, or they may view it as giving "outside interests" too much access to proprietary data involving private lands. If this is the case during the pre-application phase, the Services should encourage the applicant to provide opportunities to brief or inform representatives of interested parties of key elements or issues to be addressed in the proposed HCP. This can be accomplished in several ways, such as formal or informal meetings, newsletters, etc.

When used in the HCP process, steering committees are usually appointed by the permit applicant and can fulfill several roles--they can assist the applicant in determining the scope of the HCP (size of the planning area, activities to include, etc.), help develop the mitigation program and other HCP conditions, provide a forum for public discourse and reconciling conflicts, and help meet public disclosure requirements. Steering committees are particularly useful in regional HCPs, especially those in which the prospective permittee is a state or local government agency, and are recommended for these types of HCP efforts. However, they are generally not utilized for low-effect HCPs or most single landowner projects.

Ideally, a steering committee should include representatives from the applicant; state agencies with statutory authority for endangered species; state or Federal agencies with responsibility for managing public lands within or near the HCP area (including other Service program areas such as the FWS's Refuges Division); tribal interests where applicable; affected industries and landowners (especially those with known or possible endangered species habitats); and other civic or non-profit groups or conservation organizations with an interest in the outcome of the HCP process.

For regional HCPs it is not practical to include every affected landowner or interest group on the steering committee. Instead, industry groups should be encouraged to assign a professional or trade organization to the committee to represent them--e.g., a farm bureau, cattlemen's association, or building industry association--though corporations with extensive land holdings in the plan area may want to represent themselves. The steering committee needs to be representative, but its size must be manageable.

Another way to control numbers of participants in the HCP process is by using subcommittees. Sub-committees act as small working groups on behalf of the main

committee and are an excellent means of addressing specific issues and developing specific components of the HCP. Sub-committees are more efficient than the larger steering committee for conducting certain tasks and generally help move the HCP process forward.

Prior to initiating an HCP effort, the newly-appointed steering committee may elect to develop a Memorandum of Understanding (MOU) or similar document to record "up front" the goals of the HCP, the composition of the committee, expectations of HCP participants, and other information unique to the locality or defined by the committee. Appendix 3 shows the MOU developed by participants of the Kern County, California HCP. The question of whether to establish a steering committee may be difficult for nongovernmental applicants. State or local governments typically embrace the steering committee idea early in the process because of their desire to obtain consensus from the community. On the other hand, private landowner applicants may feel that creation of a steering committee will lead to confrontation or the intrusion of outside interests into proprietary or sensitive economic matters. However, applicants should be aware of the potential benefits of a steering committee. These include identification and resolution of issues before they cause delays later in the process, development of an HCP that enjoys greater support in the community, and the cooperation of agencies or private conservation organizations that may be needed to help implement the conservation program. Permit applicants ultimately must weigh the risks of establishing or not establishing a steering committee with the expected benefits.

For large-scale or regional HCPs, one of the main functions of the steering committee is to build consensus among diverse organizations and interests, so it is important to promote good working relationships among committee participants. This does not mean that reaching agreement in complex HCP efforts will be easy! Often it is not. However, development of the HCP will be most effective when all interests in the community are represented in steering committee activities and their views and needs are given a fair hearing.

A few suggestions:

- o Steering committee meetings should be open to the public. This allows interested persons who do not actually sit on the committee to attend meetings, monitor progress, and generally feel they are part of the process.
- o HCP participants should avoid creating an impression that they are pursuing unstated agendas or negotiating in bad faith. The trust developed between diverse and sometimes antagonistic HCP participants can be fragile, and this impression can be damaging to a productive HCP even if untrue. Participants need to be sensitive to perception and avoid the impression of bad faith.
- o The FWS and NMFS should not assign inexperienced staff to provide technical assistance to large-scale or regional HCP steering committees. This can result in mistakes, lost opportunities, and suggests to the applicants that the agencies are disinterested in the planning process. Inexperienced staff should learn the HCP process by working on small HCPs and by assisting other staff on larger efforts. If no staff have specific HCP experience, then individuals who are otherwise seasoned FWS or NMFS professionals should be assigned. If such individuals are not available, other staff should

be sent to monitor HCP progress but not to actively participate. In such cases, staff sent to monitor the HCP should make clear to the applicants the limitations of their participation and resist rendering advice on important issues. However, they can and should act as liaisons to more experienced staff in the Field Office in answering questions or obtaining advice.

- o The composition of the steering committee will depend on the type of HCP involved. Regional HCPs involving numerous activities and in which the applicant is a government entity ideally should include representatives from all affected interests. Steering committees for non-government HCPs can be organized according to the specific needs of the applicant, but at the least should include representatives from each permit applicant.

- o A good facilitator or consultant who is skilled at moderating committee meetings, building consensus, and handling uncooperative parties can help significantly to move the HCP process forward.

4. The Services' Roles on Steering Committees & HCP Efforts.

Neither the FWS nor NMFS is required by statute or regulation to serve on HCP steering committees. Nevertheless, it is strongly advised that section 10 applicants invite the Services to participate as technical advisors on their steering committees. This will help ensure that adequate biological standards are incorporated into the HCP and that the HCP and associated documents meet procedural requirements when the permit application is submitted. An HCP prepared in the absence of Service technical participation could be judged inadequate late in the process and unnecessary delays could result. The same caveat applies to all HCPs, regardless of size or whether a steering committee is established. However, a careful balance needs to be drawn between constructive Service involvement in HCP efforts and overly aggressive involvement. Too little involvement can leave the impression that FWS or NMFS are disinterested or unhelpful, while too much can create the perception that the Services are inflexible in their approach to the HCP process, rigidly dictating the mitigation program.

To avoid either impression, Service HCP representatives need to understand their role and make that role clear to the applicant and the steering committee. Their function as agency representatives is to provide guidance about statutory and policy standards and to help facilitate development of a suitable mitigation program that satisfies the requirements of section 10; it is not to dictate every element in the HCP. The option to ignore or modify Service recommendations remains with the applicant; of course, doing so might result in subsequent difficulties during the permit application processing phase and the disapproval of an inadequate HCP. Service representatives at the Field Office level cannot pre-approve an HCP because section 10 permits are issued by the Regional Office (or, for NMFS, the Washington, D.C. Office), and, although advance coordination between the Field and Regional Offices should ensure their agreement on the HCP's adequacy, the permit application must still be evaluated fully during the public comment period.

The Services' steering committee members should also abstain from formal voting procedures on HCP issues if the committee conducts such votes. This will prevent confusion and reinforce the Services' proper role as advisor. Until the HCP is completed and submitted for approval, specific HCP development decisions are up to the steering committee and the applicant.

During the HCP development phase, the Services should be prepared to advise section 10 applicants on the following (regardless of whether there is a steering committee):

- o Preparing the species list and identifying project scope and impacts.
- o Biological studies and data needed to assess project impacts;
- o NEPA requirements and the applicant's potential role in developing the NEPA analysis.
- o Applicability of state endangered species law and requirements, and any other Federal laws that may be applicable, if any.
- o Project modifications that would minimize take and reduce impacts, or, ideally, and with concurrence of the applicant, would generate an overall measurable net benefit to the affected species;
- o Design of mitigation, habitat enhancement, or mitigation programs;
- o Reserve design criteria and assistance in population viability assessments, if desired.
- o Methods for monitoring HCP progress and project impacts on affected species;
- o Biologically acceptable take limits and how to define them;
- o Criteria to track or determine success of the HCP; and,
- o Procedural and other HCP issues as requested by the committee.

Summary East County MSCP Steering Committee Meeting # 1
County Administration Center (CAC) Tower 8
1600 Pacific Coast Highway, San Diego, CA
December 3, 2007 2pm - 4pm

2:00 p.m. Introductions (Tom Oberbauer)

This is the first Steering Committee meeting for the East County MSCP Plan. Introductions were made and Tom indicated that these meetings will be more formal and at the next meeting we will have a Steering Committee Facilitator, Bryan Woods, who is also a County Planning Commissioner.

2:05 p.m. Overview of ECMSCP Steering Committee Meetings (Chandra Wallar)

This Steering Committee is being established to provide an advisory role to the Planning Staff in their preparation of plans and reports for the Planning Commission and Board of Supervisor decision making process. This steering committee meeting is the first of a series of meetings for obtaining directed input from representatives of citizen groups regarding planning for the Eastern part of San Diego County.

The goal is to provide you with an explanation of the planning process for the third and last of our Multiple Species Conservation Program plans. Those of you who have been selected to be on the steering committee have been included because you represent a larger constituency of citizens or groups who have a specific interest in the planning for this area.

2:10 p.m. MSCP Process (Tom Oberbauer)

2:20 p.m. Background Information (Adam Wagschal)

2:40 p.m. Project Status (Kim Zuppiger)

3:00 p.m. Role of the Participants (Dahvia Lynch)

The operation of these meetings will involve a chairman, facilitator, who will run the meetings. County staff provide reports and this will be followed by discussion of issues by the steering committee. Steering Committee members provide input that will assist the County and Consultants with the development of draft plans and maps for the East County MSCP Plan.

3:10 p.m. Steering Committee Discussion / Questions (Tom Oberbauer)

- *Jeff Barfield requested explanation of the habitat/preserve models and indicated that there should be an effort to notify all property owners.*
- *Rikki Alberson requested land ownership statistics (2007 SANDAG data is included in packet).*
- *Kathy Viatella wanted information on preserve connectivity w/Mexico, Water issues, ISA's involvement.*

- *Craig Benedetto recommended that the County go forward with a suite of species covered species and drop species off the list when there is not enough information about the species.*
- *Dan Silver asked the following questions:*
 - *Where is the “take” in East County” ?*
 - *Consider conservation subdivisions*
 - *Where are the development projects in East County?*
 - *Concern about removal of water in groundwater dependent communities*

3:20 p.m. Opportunity for Public Input (Tom Oberbauer)

Comments re: the ESCMP Plan are as follows:

- *The ISAs should continue all the way through the ECMSCP process.*
- *There should be more attention to Management and Monitoring.*
- *Discussion about the importance of Property owner notice.*
- *Request for explanation of the models for East County MSCP.*

3:40 p.m. Next steps (Tom Oberbauer)

The topic for next meeting will be the County’s Project Timeline and County Staff will send out a meeting notice for the upcoming East County MSCP Steering Committee meeting which will be in January or February 2008.

4:00 p.m. Closing Comments (Tom Oberbauer)

The County appreciates your participation in the ESCMP Steering Committee meetings and if there are no more questions or comments, then the meeting is adjourned.